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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA, ) No. CR-08-00812 CW  
14 Plaintiff, )  
15 v. ) STIPULATED REQUEST TO VACATE  
16 DAVID DWAYNE GODFREY, ) DETENTION HEARING DATE AND TO  
17 Defendant. ) EXCLUDE TIME UNDER THE SPEEDY  
18 ) TRIAL ACT  
19 ) Date: November 21, 2008  
19 ) Time: 10:00 a.m.  
19 ) Court: Hon. Wayne D. Brazil

20 The above-captioned matter is set on November 21, 2008 for a detention hearing before  
21 this Court. Defendant hereby waives the timing of his detention hearing, but reserves the right to  
22 request a detention hearing in the future. The parties request that the Court set this matter before  
23 the Honorable Claudia Wilken on December 3, 2008 at 2:00 p.m. and that the Court exclude time  
24 under the Speedy Trial Act between November 20, 2008 and December 3, 2008.

25 Defendant was arraigned in the above-captioned matter on November 17, 2008. The  
26 government will begin producing discovery this week and will continue to produce discovery,  
27 including electronic media, in the coming weeks. Defense counsel requires time to review the  
28 discovery to be produced by the government, to investigate this matter, and to effectively prepare

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1 for the hearing taking into account the exercise of due diligence. The extension is not sought for  
2 delay. The parties agree the ends of justice served by granting the continuance outweigh the best  
3 interests of the public and the defendant in a speedy trial. Therefore, the parties further stipulate  
4 and request that the Court exclude time between the date of this stipulation and December 3,  
5 2008 under the Speedy Trial Act for effective preparation of counsel and pursuant to 18 U.S.C. §  
6 3161(h)(8)(B)(iv).

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8 DATED: November 19, 2008

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/s/

11 JAMES C. MANN  
12 Assistant United States Attorney  
Counsel for United States

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/s/

LINDA FULLERTON  
Counsel for David Dwayne Godfrey

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

11 UNITED STATES OF AMERICA, ) No. CR-08-00812 CW  
12 Plaintiff, ) ORDER GRANTING STIPULATED  
13 v. ) REQUEST TO VACATE DETENTION  
14 DAVID DWAYNE GODFREY, ) HEARING DATE AND TO EXCLUDE  
15 Defendant. ) TIME UNDER THE SPEEDY TRIAL ACT  
16 \_\_\_\_\_ )  
Date: November 21, 2008  
Time: 10:00 a.m.  
Court: Hon. Wayne D. Brazil

The above-captioned matter is set on November 21, 2008 for a detention hearing before this Court. Defendant has waived the timing of his detention hearing, but reserved the right to request a detention hearing in the future. The parties requested that the Court set this matter before the Honorable Claudia Wilken on December 3, 2008 at 2:00 p.m. and that the Court exclude time under the Speedy Trial Act between November 20, 2008 and December 3, 2008.

Defendant was arraigned in the above-captioned matter on November 17, 2008. The government will begin producing discovery this week and will continue to produce discovery, including electronic media, in the coming weeks. Defense counsel requires time to review the discovery to be produced by the government, to investigate this matter, and to effectively prepare for the hearing taking into account the exercise of due diligence. The extension is not sought for

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No. CR-08-00812 CW

1 delay. The parties agree the ends of justice served by granting the continuance outweigh the best  
2 interests of the public and the defendant in a speedy trial. For these stated reasons, the Court  
3 finds that the ends of justice served by granting the continuance outweigh the best interests of the  
4 public and the defendant in a speedy trial. Good cause appearing therefor, and pursuant to 18  
5 U.S.C. § 3161(h)(8)(B)(iv),

6 **IT IS HEREBY ORDERED** that the hearing in this matter is set before the Honorable  
7 Claudia Wilken on December 3, 2008 at 2:00 p.m., and that time between November 20, 2008  
8 and December 3, 2008 is excluded under the Speedy Trial Act to allow for the effective  
9 preparation of counsel, taking into account the exercise of due diligence.

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11 DATED: November 19, 2008  
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HON WAYNE D BRAZIL  
United States Magistrate Judge

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